

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**v.**

**DAVID FOLKENFLIK, ET AL.,**

**Defendants.**

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**CIVIL ACTION NO.**

**4:18-CV-00442-ALM**

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**DEFENDANTS' MOTION TO FILE MOTION TO COMPEL UNDER SEAL**

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COME NOW, Defendants David Folkenflik, National Public Radio, Inc., Edith Chapin, Leslie Cook, and Pallavi Gogoi (collectively, "Defendants" or "NPR"), by their undersigned counsel, and respectfully request that the Court permit them to file their Motion to Compel Discovery Pursuant to Fed. R. Civ. P. 37 and accompanying exhibits under seal. NPR's filing relies on and discloses documents and information that have been designated confidential pursuant to the Stipulated Protective Order entered in this case on August 8, 2019 (Dkt. 67).

Accordingly, NPR respectfully requests that this Court grant leave to seal Defendants' Motion to Compel and accompanying exhibits. Defendants will file a redacted version of the Motion to Compel publicly within two days pursuant to this Court's local rule CV-5(a)(7)(E) regarding filing of documents under seal.

Respectfully submitted,

By: /s/ Laura Lee Prather

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### **CERTIFICATE OF CONFERENCE**

The undersigned Counsel for Defendants certifies that on January 13, 2020, counsel for Defendants conferred with Steven Biss, one of the attorneys for Plaintiff, concerning this motion. Upon reviewing a document, initially produced by Plaintiff, that Defendants intend to use in support of their motion, Plaintiff stated his belief that the document should be treated as “confidential” pursuant to the Stipulated Protective Order in the case. Nevertheless, Plaintiff did not take a position as to whether Plaintiff was opposed to the relief requested in the Motion.

/s/ Wesley D. Lewis

Wesley D. Lewis

**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 13, 2020, a true and correct copy of the foregoing document was forwarded via e-filing to the following counsel of record:

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/s/ Laura Lee Prather

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